

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of:)	
)	
ReconRobotics, Inc.,)	
)	WP Docket No. 08-63
Request for Waiver of Part 90 of the)	
Commission's Rules for a Video and Audio)	
Surveillance System at 430-450 MHz.)	

To the Commission:

**AFFIDAVIT IN SUPPORT OF
MOTION TO SET ASIDE, VACATE, OR CORRECT ORDER BY
CANCELLATION OF THE WAIVER ORDER, CONSTRUING THE APPLICATION
THEREFOR AS A PETITION FOR RULEMAKING, AND REINSTATING PROCEEDINGS
AS A NOTICE OF PROPOSED RULEMAKING CONSISTENT WITH 5 U.S.C. SECTION 553**

COMES NOW movant, JAMES EDWIN WHEDBEE, who under penalty for perjury, as provided in 18 USC 1001, declares and states:

[1] I reside at 5816 NE Buttonwood Tree Ln., Gladstone, Clay County, Missouri 64119-2236, and am a citizen of the United States of America born at Altus AFB, Oklahoma, of sound age and disposing mind.

[2] I am a licensed General Class Amateur Radio Operator, employing station N0ECN in a fixed and mobile mode in both the Amateur Radio and Amateur Satellite services on the 70cm band between the frequency of 420 MHz and the frequency of 450 MHz employing a wide scope of emissions, bandwidths, power outputs, receiver sensitivities, and antennae.

[3] I authored, executed, and filed in WP Docket No. 08-63 a Motion to Set Aside the Commission's Order granting to ReconRobotics, Inc., a 'waiver' alleging in support thereof that the

Commission's Order was clearly and unmistakably erroneous in relying on rules and regulations not permitting ReconRobotics, Inc. to operate under its 'waiver' and that the Commission should have construed its application/request for that 'waiver' to more appropriately be a Petition for Rulemaking. That motion is incorporated herein by reference as if fully set out hereinbelow.

[4] Because of the 'waiver' station N0ECN shall experience interference from any ReconRobotics's, Inc. device known as a Recon Scout operating using NTSC Video with an effective radiated power of 0.323 Watts between the frequency of 430 MHz and the frequency of 448 MHz within 78 miles of N0ECN, as stated in the document entitled: "*Technical Specifications of Amateur Radio Station, N0ECN, on 433-445 MHz*," which was authored and executed by the undersigned, filed in WP Docket No. 08-63, and which is incorporated herein by reference as if fully set out hereinbelow.

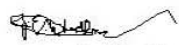
[5] Affiant served his Motion to Set Aside on the Commission, the ARRL's counsel, Mr. Christopher Imlay, and ReconRobotics' counsel in opposition to the motion: Mr. Mitchell Lazarus.

[6] Affiant has received no objection to his Motion to Set Aside from ARRL even though Affiant believes his Motion to Set Aside, if granted, would moot ARRL's Petition for Reconsideration.

[7] Further the Affiant sayeth not.

GIVEN THIS 28th of August, 2010...

Respectfully submitted:


James E. Whedbee, M.Ed.
SBE #26971

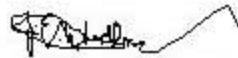
August 28, 2010

James Edwin Whedbee, M.Ed.
5816 NE Buttonwood Tree Ln.
Gladstone, MO 64119-2236
816.694.5913
Movant

CERTIFICATE OF SERVICE

THIS CERTIFIES that on this 28th day of August, 2010, an exact copy of the within and foregoing suggestions was e-mailed to parties whose names, addresses, and e-mail addresses follow this certification.

Signed:



James E. Whedbee, M.Ed.
SBE #26971

James Edwin Whedbee, M.Ed.
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Gladstone, MO 64119-2236
816.694.5913
Movant

SERVICE LIST:

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